THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 3794 of 1999

Oral order:

Assailing the suspension order as well as the charge sheet, both dated 09.02.1999, the petitioner filed the present writ petition.

This Court, while admitting the writ petition, stayed the operation of the suspension order, but did not stay the charge sheet.

Though the writ petition was admitted and stayed the operation of the suspension order as far back as on 25.02.1999, till date, the respondents neither filed counter nor made any efforts to get the stay order vacated. The learned Standing Counsel for the respondents, on instructions, submits that the petitioner, in pursuance of the interim order, is being continued. He further submitted that even though this Court did not stay the charge sheet, the respondents have not conducted the enquiry.

The learned counsel for the petitioner submits that since the respondents have not conducted the enquiry, and having regard to the fact that the charge framed against the petitioner relates to an offence under the A.P. Excise Act, which took place as far back as in the year 1999, he submits that the respondents may be directed to consider the desirability or otherwise of conducting the departmental proceedings against the petitioner at this distance of time.

Since the petitioner is continuing in service by virtue of the interim order, and despite this Court not staying the departmental proceedings, the respondents did not conduct the enquiry against the petitioner, without expressing any opinion on the merits of the matter, the writ petition is dispose of with the following directions:

The petitioner is at liberty to make a representation to the respondents requesting them to drop the disciplinary proceedings having regard to the charge framed against him relates to an offence under the A.P. Excise Act, which took place as far back as in the year 1999. If any such representation is made, the respondents shall consider the desirability or otherwise of continuing the departmental proceedings against the petitioner. In case the respondents intend to conduct the enquiry, they shall complete the same expeditiously.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Dated: 7th November, 2007.
KSR